UNITED STATES PATENT AND TRADEMARK OFFICE

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09/848,005	05/03/2001	Joseph Cosentino	9035.00	5686

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/848,005
Filing Date: May 03, 2001
Appellant(s): COSENTINO, JOSEPH

Michael Chan
<u>For Appellant</u>

EXAMINER'S ANSWER
This examiner's answer is in response to the appellant's Appeal Brief filed May 3, 2004.

I.   Real Party in Interest

A statement identifying the real party in interest is contained in the brief and is acknowledged.

II. Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief and is acknowledged.

III. Status of Claims

This is an Answer to an appeal from the final rejection of claims 20-25 and 27-30, which are all the claims in the case. Examiner agrees with the statement of the status of the claims contained in the appellant's brief.

IV.   Status of Amendments

Examiner agrees with the statement of the status of amendments contained in the appellant's brief.

V.   Summary of claimed subject matter

Examiner agrees with the summary of the invention contained in the appellant's brief.

VI.   Grounds of rejection to be reviewed on appeal

Examiner agrees with the issues presented for review as contained in the appellant's brief.

VII. Argument

Examiner acknowledges the presence of arguments within the brief.

VIII. Claims appendix

Examiner agrees that the copy of the claims on appeal is correct.

IX.   References of Record

The following is a listing of the references of record relied upon for establishing the rejection under 35 U.S.C. 102(b) and 35 U.S.C. 103(a):

U.S. Patent   5,754,673 (Brooks et al.) issued 19 May 1998.
U.S. Patent   5,384,777 (Ahmadi et al.) issued 24 January 1995.

X.   Grounds of Rejection

Rejection under 35 U.S.C. 102(b):

1. Claims 20-25 and 27-30 are rejected under 35 U.S.C. 102 (b) as being anticipated by Brooks et al. (5,754,673).

2. Per claim 20, Brooks taught a financial document processing system (e.g., see Title and Abstract) comprising:
a) a financial document processing transport (e.g., see center of figure 2A)
    including:
     (i) means defining a document transport path along which financial
      documents can be transported(42 of figure 2A), and
     (ii) a first display for allowing an operator to view an operator message
      which relates to an exception condition which has occurred along the
      document transport path(see figure 2B and col.6 (line 40-et seq.));
b) a transport controller including:
     (i) means for controlling operation of the transport (e.g., see figure 2A
      (TOP LEFT section area 20-40)) and
     (ii) means for generating an operator message when an exception condition
      occurs along the document transport path (e.g., see Abstract));
c) a transmitter interface including:
     (i) means for receiving operator messages from the transport controller (e.g., see Abstract,
      col. 4 (lines 9-10) and figure 2B (84)),   and
     (ii) means for wirelessly transmitting operator messages (e.g., see col. 4
      (lines 6-14 (i.e., "wireless LAN" is within the set of all known LANs
      none specifically excluded by Brooks))); and,
d) a portable control unit which is separate from the transport and which can be carried by an operator between a first location in which the operator is able to view the first display on the transport and a second location in which the operator is unable to view the first display on the transport (e.g., see col. 4 (lines 1-10) and col. 9 (lines 47-54)), the portable control unit including:
     (i) means for wirelessly (e.g., in a wireless LAN anticipated within the set of known LANs at
      the time of Brooks' filing) receiving operator messages from the transmitter interface (e.g.,
      see col. 4 (lines 1-10)),
     (ii) a second display for allowing the operator to view an operator message which relates to an
      exception condition which has occurred along the document transport path without having
      to move from the second location to the first location to view the operator message on the
      first display (e.g., see col. 4 (lines 6-14 (i.e., "wireless LAN" is within the set of all known
      LANs none specifically excluded by Brooks) and also col. 6 (line 40-et seq.)),
     (iii) means for receiving command inputs from the operator (i.e., from the remotely located

operator device unit per col. 4 (lines 9-10)),

(iv) means for transmitting command messages which are based upon the command inputs to
the transport to control operation of the transport (i.e., from the remotely located operator
device unit per col. 4 (lines 9-10) and col. 9 (lines 47-54) in the manner of col. 6 (line40-et
seq.)),

(v) means for receiving a broadcasted message advising that the transport is available (i.e., to
the remotely located operator device unit per col. 4 (lines 9-10)),

(vi) means for enabling the operator to select the transport (e.g., via the addressing scheme of
a LAN of col. 4 (lines 1-10) and col. 9 (lines 47-54)), and

(vii) means for exchanging authenticating information with the transport to establish a
communication session with the transport (i.e., logging in over the LAN connection).

3.   In light of the specification and in summary, Brooks taught remotely controlling a
computerized financial check processing machine via a LAN (col. 4 (lines 9-10) and col. 9 (lines
47-54)) which anticipated all known LANs including "wireless" with "portable" units as such
was not specifically excluded by Brooks.   On LANs, authentication was required to pass
commands and display data via a device addressing scheme to/from the portable unit(s) and
document processing unit(s).   In short, Brooks anticipated remote control (i.e., commands to
correct documents) of a computerized financial check processing machine over a LAN based
system.

4. Per claims 21, 22, 23, and 24, as covered above, since Brooks taught the use of a LAN, any
LAN of which is included therein "wireless LAN", it was anticipated that remotely located
operator(s) on the wireless LAN included addressable (broadcast) portable unit(s) duplicating
those functions of figure 2B (44), and required hardware of figure 2B, as taught in col. 6 (lines
54-56) and suggestive by interface 120 of figure 2B.   Such a wireless LAN (thus RF (Radio
Frequency)) would permit for broadcasting, and unicasting, transport information (i.e.., available
status such as "on-line" or simply an open port) to/from one or more selected addressable
transport machines in a plural machine environment over any LAN, including wireless, using
any network protocol (i.e., TCP/IP) that included session identifiers (i.e., device address(es)).
That is, the elements and/or functions of figure 2B was anticipated to be duplicated via/over a
LAN.

5.   Per claim 25, 27, 28, 29, and 30, these claims do not teach or defined above the
correspondingly rejected claims given above, and are thus rejected for the same reasons given
above.

Rejection under 35 U.S.C. 103(a)

6. Claims 20-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Brooks et al. (5,754,673) alone or in view of Ahmadi et al. (5,384,777).

7. Per all the claims, Brooks taught the invention as claimed for the all the reasons outlined
above herein incorporated and duplicated. However, while Brooks clearly taught interfacing his

system to a LAN (per col. 4 (lines 1-14) and col. 9 (lines 47-54)) such that displayed items on the CRT (Display 88) of processor 44 in figure 2B could be sent to a remote user(s) for command input (i.e., document correction(s)) from the remote user(s), the type of LAN was not specifically detailed while none specifically exclude; thus, any specific type of LAN (i.e., wireless multi-user addressable LAN TCP/IP based) was envisioned by Brooks. Ahmadi teaches one such type. Examiner notes this is not the only use of wireless LAN known to those skilled in the art as evidence to over 56 patents, issued prior to May 3, 2001, with "wireless LAN" therein those patent Titles, at the time of this Office Action and over 1,575 patents having "wireless LAN" within the body of the patents.

8. It would have been obvious to one skilled in the data processing art to have combined the teachings of Brooks and Ahmadi because they both were directed toward the problem of controlling devices via a LAN. More specifically, it would have been obvious to implement a wireless LAN (i.e., via interface 120 of figure 2B) since Brooks clearly recited, without exclusion, any LAN in col. 4 (lines 1-14). Thus, it would have been obvious to those skilled in the art not to be tethered to the CRT+keyboard of figure 2B(88) but be free to move about the check financial document processing computerized machine, from one end to the other or among other such machines, with a portable device(s) by one or more(remote) users.

9. Figure 1 of Ahmadi covers a wireless LAN with elements 10,12,14, and/or 16 being hand held devices per col. 4 (lines 37-43).

XI. Response to Argument

1. Per the appellant's arguments, being on page 6, the appellant argued in substance that:
a) per claims 20-24, there is claimed a portable control unit including. iii) means for receiving command inputs from the operator, (iv) means for transmitting command messages which are based upon the command inputs to the transport to control operation of the transport (v) means for receiving a broadcasted message advising that the transport is available, (vi) means for enabling the operator to select the transport, and (vii) means for exchanging authenticating information with the transport to establish a communication session with the transport. Applicant would like to respectfully point out that Brooks discloses a LAN connection by which a remotely located operator can view an image of a document and make corrections via conventional data entry procedures (see column 4, lines 1-13 of the specification of Brooks). Nowhere does Brooks disclose or even remotely suggest s portable control unit including. . ....(iii) means for receiving command inputs from the operator, (iv) means for transmitting command messages which are based upon the command inputs to the transport to control operation of the transport, (v) means for receiving a broadcasted message advising that the transport is available, (vi) means for enabling the operator to select the transport, and (vii) means for exchanging authenticating information with the transport to establish a communication session with the transport, as recited in each of claims 20-24 of the present application. Applicant has respectfully requested that the Examiner specifically point out where Brooks discloses or suggests that an operator can enter a command (which is not the same as merely entering data) via a portable control unit to select a transport. In fact, Brooks does not disclose or even suggest that an operator can issue a command

to control operation of a transport let alone a command to select one of a plurality of transports to establish a communication session. However, the Examiner has not provided an adequate explanation. Accordingly, it is respectfully submitted that the rejection of claims 20-24 is improper and, therefore, should be withdrawn. **_HOWEVER,_** as pointed out above with respect to the rejections under 35 U.S.C. 102(b) and/or under 35 U.S.C. 103(a), col. 4 (lines 1-10) and/or col. 9 (lines 47-54) clearly indicated that operations local to that of the elements covered in figures 2A and 2B could be, and was, conducted via a LAN and thus duplicating operator command control and readouts remotely in the same manner as if the operator was local to the terminal encased within the document processing apparatus. That is, the operator could have full control to handle exception routines at a remote section of the machine, remote from the conventional input terminal of the machine, via a LAN connection without having to physically walk back to the terminal (CRT+keyboard) of the document processing machine. That is to say, via a LAN connection, the operator could be located at the extreme far end of the machine and still control the machine remotely as if being at the monitor and keyboard of the machine. Correction of documents is entering commands; the command of correction, a command to correct;

b) per claim 25, there is claimed step of wirelessly receiving commands from the portable control unit when an operator responds to operator messages which have been wirelessly transmitted to the portable control unit. In this regard, the applicant would like to respectfully point out that Brooks discloses a LAN connection by which a remotely located operator can view an image of a document and make corrections via conventional data entry procedures (see column 4, lines 1-13 of the specification of Brooks). Nowhere does Brooks disclose or even remotely suggest wirelessly receiving commands from a portable control unit when an operator responds to operator messages which have been wirelessly transmitted to the portable control unit. Thus, claim 25 patentably defines over the prior art including Brooks, whether taken singularly or in combination, and is therefore allowable. **_HOWEVER,_** herein indicated above, correcting a document instructs the machine and thus commands the machine. As indicated by the applicant, Brooks taught at least the step of correcting documents, this instructs the machine as to functionality and is thus a command;

c) per claim 27, there is claimed receiving a command message from the portable control unit when the operator issues commands based upon the operator viewing the operator message displayed on the second display on the portable control unit. In this regard, the applicant would like to respectfully point out that Brooks discloses a LAN connection by which a remotely located operator can view an image of a document and make corrections via conventional data entry procedures (see column 4, lines 1-13 of the specification of Brooks). Nowhere does Brooks disclose or even remotely suggest receiving a command message from a portable control unit when an operator issues commands based upon the operator viewing an operator message displayed on a display on the portable control unit. Thus, claim 27 patentably defines over the prior art including Brooks, whether taken singularly or in combination, and is therefore allowable. **_HOWEVER,_** herein indicated above, correcting a document instructs the machine and thus commands the machine. As indicated by the applicant, Brooks taught at least the step of correcting documents, this instructs the machine as to functionality and is thus a command;

c) per claims 28-30, there is claimed a control unit including (ii) means for generating a display listing available transports based upon messages which have been generated by transports, (iii)

means for enabling an operator to select from the listing of available transports a desired transport with which to request a communication session, and (iv) means for wirelessly transmitting a selection message which is indicative of the transport which has been selected by the operator and with which the operator desires to request a communication session. The applicant would like to respectfully point out that Brooks discloses a LAN connection by which a remotely located operator can view an image of a document and make corrections via conventional data entry procedures (see column 4, lines 1-13 of the specification of Brooks). Nowhere does Brooks disclose or even remotely suggest teach control unit including (ii) means for generating a display listing available transports based upon messages which have been generated by transports, (iii) means for enabling an operator to select from the listing of available transports a desired transport with which to request a communication session, and (iv) means for wirelessly transmitting a selection message which is indicative of the transport which has been selected by the operator and with which the operator desires to request a communication session. The applicant has respectfully requested that the Examiner specifically point out where Brooks discloses or suggests that the operator is presented with a listing of available transports such that the operator can select one of the transports to request a communication session. *__HOWEVER,__* as pointed out above with respect to the rejections under 35 U.S.C. 102(b) and/or under 35 U.S.C. 103(a), col. 4 (lines 1-10) and/or col. 9 (lines 47-54) clearly indicated that operations local to that of the elements covered in figures 2A and 2B could be, and was, conducted via a LAN and thus duplicating operator command control and readouts remotely in the same manner as if the operator was local to the terminal encased within the document processing apparatus. That is, the operator could have full control to handle exception routines at a remote section of the machine, remote from the conventional input terminal of the machine, via a LAN connection without having to physically walk back to the terminal (CRT+keyboard) of the document processing machine. That is to say, via a LAN connection, the operator could be located at the extreme far end of the machine and still control the machine remotely as if being at the monitor and keyboard of the machine. Correction of documents is entering commands; the command of correction, a command to correct. Since the whole of the system was controlled via a LAN, selection among such machines was possible via addressing using LAN protocols that included availability and thus selection.

2. In conclusion, Brooks either taught (or it would have been obvious) for the elements of figure 2A and/or 2B to be replaced, or complemented, by a duplicate set of control via a LAN that included wireless, and since LAN was taught, more then one such machine was anticipated for there to be a network of such machines.
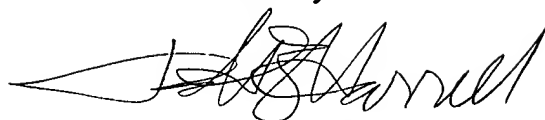
4. For all or the reasons set forth supra, it is respectfully requested that the rejections as presented be sustained.

XII.   Period for Response to New Ground of Rejection.

No new grounds of rejection herein. No extension of time is permitted for filing a Reply Brief under 37 C.F.R. 1.136(a).

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